IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4417 OF 2005

Mr.T.V.Ganesh & Ors. ..Applicants.

V/s.

The State of Maharashtra. ..Respondent.

Mr.H.G.Bhambhani for applicants.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 19, 2005.

P.C. :

1. Advocate on record states that the matter has suddenly appeared on board. He further states that he was not in a position to contact the applicants personally either on telephone or by sending communication. He further states that Senior advocate for the applicants had informed him that the applicants would like to discontinue services of the present advocate on record.

2. Grievance of the advocate that matter has suddenly appeared on board does not commend to me. The board was notified on Friday, 16th December, 2005. There was sufficient time for the advocate to coordinate with the applicants, if he was so advised.

3. At this stage, counsel for the applicants states that SMS message has been sent by him to the applicants on Saturday, 17th December, 2005 soon after the board for today was notified. However, he has not received any communication from the applicants. If the applicants have not taken necessary steps to instruct the advocate on record nor given clear instructions to proceed in the matter, whereas indicate that the advocate on record will be changed, the only course open to this court is to dismiss the application for non-prosecution. Hence dismissed for non-prosecution.